

REMARKS/ARGUMENTS

This timely filed Reply is in response to the Final Office Action dated October 15, 2004.

In the Office Action, claims 1-6, 16 and 17 were pending. Claims 1-3 and 5 were rejected.

Claim 4 was objected to but was determined to be allowable if written in independent form.

Claim 4 recites an oxynitride thickness of 15 to 40 angstroms.

In this Reply, claims 1, 4 and 17 have been amended and claim 16 cancelled. No new matter has been added.

In the Final Office Action, the Examiner failed to examine new claims 16 (oxynitride thickness of less than 100 angstroms) and 17 (oxynitride thickness of 15 to 50 angstroms) filed with Applicants' Reply filed on August 17, 2004. However, in a telephone conversation between Kenneth Balcerzak, who is the paralegal of the undersigned, with the Examiner on November 16, 2004, the Examiner was made aware of this oversight. During that teleconference, the Examiner stated that claims 16 and 17 should be treated as objected to and conditionally allowable for the same reason the Examiner conditionally allowed claim 4 in the Final Office Action.

According to the Examiner on the top of page 3 of the Final Office Action:

Applicants argue that the thickness of the SiON layer less than 100 A producing high quality single crystal GaN layers is found persuasive. Examiner withdraws the rejection over claim 4 wherein the thickness of the SiON layer is from 15-40A.

Applicants respectfully disagree that former claim 1 which did not recite a SiON thickness range) is obvious based on the cited art for the reasons detailed in Applicants' Reply filed on August 17, 2004. However, to expedite allowance of this case Applicants have amended claim 1 to add the 100 A SiON thickness limitation regarded by the Examiner as necessary for patentability which had been recited in claim 16. Accordingly, new search is not required.

Applicants have made every effort to present claims which distinguish over the cited art, and it is believed that all claims are now in condition for allowance. However, the Examiner is

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invited to call the undersigned (at 561-671-3662) if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. The Commissioner for Patents is hereby authorized to charge any deficiency in fees due with the filing of this document and during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

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